

**ACKER & WHIPPLE**

A Professional Corporation

STEPHEN ACKER, State Bar No. 64996

LESLIE ANNE BURNET, State Bar No. 134719

811 Wilshire Boulevard, Suite 700

Los Angeles, California 90017

Phone: (213) 347-0240

Fax: (213) 623-1957

Emails: [stephenacker@ackerandwhipple.com](mailto:stephenacker@ackerandwhipple.com)

[leslieburnet@ackerandwhipple.com](mailto:leslieburnet@ackerandwhipple.com)

Attorneys for Defendants,

LOWE'S HOME CENTERS, LLC; and XPO LAST MILE, INC.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE COURTHOUSE**

FIRE INSURANCE EXCHANGE,

Plaintiff,

v.

LOWE'S HOME CENTERS, LLC; and  
DOES 1 through 30, Inclusive,

Defendants.

CASE NO.: 5:17-cv-01364-BLF

[Case No. 17CV306687 Santa Clara County  
Superior Court]

**STIPULATION AND ~~PROPOSED~~  
ORDER TO PERMIT DEFENDANT TO  
APPEAR AT INITIAL EXPEDITED  
TRIAL SETTING CONFERENCE BY  
TELEPHONE**

XPO LAST MILE, INC.,

Defendant and Third-Party

Plaintiff

v.

H.I.P., INC. and ROES 1-25 Inclusive,

Third-party Defendants.

**DATE: MARCH 7, 2019**

**TIME: 10:00 AM**

**DEPT.: 6**

Action Filed: February 23, 2017

TRIAL: Vacated

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1           **WHEREAS**, the Initial Expedited Trial Setting Conference is on calendar for March 7,  
2 2019, at 10:00 a.m. in Courtroom 6 of the San Jose Courthouse of the United States District  
3 Court for the Northern District of California;

4           **WHEREAS**, the office for counsel for Defendant, LOWE'S HOME CENTERS, LLC  
5 and Defendant, XPO LAST MILE, INC., is located in Los Angeles, CA, and counsel lives in  
6 Los Angeles, CA;

7           **WHEREAS**, between the airfare, car rental, airport parking, it will cost approximately  
8 \$750 and involve most of the day to attend the hearing in person;

9           **WHEREAS**, telephonic appearances generally are permitted for Case Management  
10 Conferences under Local Rule 16-10(a), providing that a party seeking to appear telephonically  
11 shall submit a request in this regard at least seven (7) days in advance of the conference; and

12           **WHEREAS**, Plaintiff, FIRE INSURANCE EXCHANGE, has no objection to  
13 Defendant, LOWE'S HOME CENTERS, LLC, and Defendant, XPO LAST MILE, INC.,  
14 attending the Initial Expedited Trial Setting Conference by the telephone,

15           **IT IS HERBY STIPULATED** by and between counsel for plaintiff and defendants that  
16 Defendant, LOWE'S HOME CENTERS, LLC, and Defendant, XPO LAST MILE, INC., may  
17 attend the Initial Expedited Trial Setting Conference by telephone.

18  
19 DATED: February 14, 2019

**ACKER & WHIPPLE,**  
A Professional Corporation

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By: \_\_\_\_\_

23 STEPHEN ACKER  
24 LESLIE ANNE BURNET  
Attorneys for Defendants, LOWE'S HOME  
25 CENTERS, LLC and XPO LAST MILE, INC.

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1 DATED: February 15, 2019

HARTSUYKER, STRATMAN & WILLIAMS  
- ABREGO

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4 By: 

MICHAEL K. KUSHNER, ESQ.

Attorneys for Plaintiff, FIRE INSURANCE  
EXCHANGE

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7 **ORDER: PURSUANT TO STIPULATION, IT IS SO ORDERED:**

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11 Dated: February 19, 2019



United States District Magistrate Judge